

IN THE UNITED STATE DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA

RECEIVED

McKesson, Inc. (a corporation)
Plaintiff

vs

Rheumatology Specialists of Central AL, Inc (a corporation)
Donna M. Paul (an individual)
Defendants

2007 NOV -7 A 9:42

BRANDI WHALEY, CLK
CIVIL ACTION: 2007 mc 03370 MHT
MIDDLE DISTRICT OF ALA

MOTION FOR COUNTERSUIT AND SANCTIONS

COMES NOW, the defendant, pro'se files a motion to countersuit for \$300,000 for punitive damages, harassment, loss of property and false accusation relating to wrongful lawsuit. Reasons for countersuit – Reasons outlined below

Count 1: Donna Paul, an individual, has never entered into an agreement with McKesson

Count 2: Donna Paul was never served, nor participated in any legal court proceedings.

Count 3: Court case was filed in the wrong jurisdiction. Address for Donna Paul: 102 Meadow Wood, Wetumpka, AL.

Count 4: **Violation of Federal rules of bankruptcy procedures.**

1. See attached exhibit II, date filed 8/19/2004, Chapter 7, Case # 04-32325. Plaintiff, an attorney, intentionally, knowingly, and unlawfully violated federal rules of bankruptcy procedures in U.S. Bankruptcy Court, Middle District of Alabama (Montgomery).

On 10/26/2004, Brandi J. Whaley on behalf of McKesson Specialty, filed a notice of appearance in Bankruptcy Petition # 04-32325, Page #5, Item 20 - [Donna Paul, an individual; Address 102 Meadow Wood, Wetumpka, Alabama]. Plaintiff filed lawsuit in the United States Court, Northern District of Alabama (Birmingham) against Donna Paul, an individual, during an ongoing bankruptcy proceeding.

2. See attached exhibit I, date filed 6/24/2004, Chapter 7, Case # 04-31746. Plaintiff, an attorney, intentionally, knowingly, and unlawfully violated federal

rules of bankruptcy procedures in U.S. Bankruptcy Court, Middle District of Alabama (Montgomery).

On 10/26/2004, Brandi J. Whaley on behalf of McKesson Specialty, filed a notice of appearance in Bankruptcy Petition # 04-31746, Page 6, Item 26 - [Rheumatology Specialists of Central Alabama, TIN 38-3969982, located at 242 Winton Blount Loop, Montgomery, Alabama, 36117]. Plaintiff filed lawsuit in the United States Court, Northern District of Alabama, Birmingham) against Rheumatology Specialists of Central Alabama, an Alabama corporation, during an ongoing bankruptcy proceeding.

3. Judgment was rendered without properly serving or notifying Donna Paul.

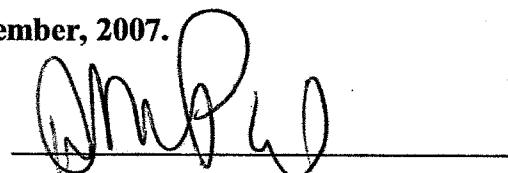
Done on this 7th of November, 2007.



Donna M. Paul, Pro se
102 Meadow Wood
Wetumpka, AL 36093

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing pleading upon the below listed party by placing a copy of the same in the United States Mail, postage prepaid and properly addressed this the 2nd day of November, 2007.



Donna M. Paul, MD

Defendant, Pro'se

102 Meadow Wood

Wetumpka, Alabama 36093

Parnell & Crum, P.A.

Charles N. Parnell, III

P.O. Box 2189

Montgomery, Alabama 36102-2189

334-832-4200

EXHIBIT
I
Corp

U.S. Bankruptcy Court
Middle District of Alabama (Montgomery)
Bankruptcy Petition #: 04-31746
Internal Use Only

Assigned to: William R. Sawyer
Chapter 7
Voluntary
No asset

Date Filed:
06/24/2004

**Rheumatology Specialists
of Central Alabama, Inc.**
242 Winton Blount Loop
Montgomery, AL 36117
Tax id: 383-65-9982
Debtor

represented by **Richard D. Lively**
Law Office of Richard D. Lively
364 East Main Street
Prattville, AL 36067
334-491-4911
Email: richarddlively@aol.com

Teresa R. Jacobs
U. S. Bankruptcy
Administrator
One Church Street
Montgomery, AL 36104
U.S.A.
334 954-3900
Bankruptcy Admin.

Susan S. DePaola
1726 West Second Street
Suite B
Montgomery, AL 36106
334 262-1600
Trustee

Filing Date	#	Docket Text
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		(Entered: 06/28/2004)
06/27/2004	• <u>7</u>	BNC Certificate of Service - See Image Attached - (RE: related document(s) <u>5</u> Order Requiring Debtor, It's Officers to File Federal Tax Returns). No. of Notices: 4. Service Date 06/27/2004. (Admin.) (Entered: 06/28/2004)
07/22/2004	• <u>8</u>	Notice of Appearance and Request for Notice Filed by James G. Curenton Jr. on behalf of Florida Infusion, Inc.. (RK,) (Entered: 07/22/2004)
07/26/2004	• <u>9</u>	Notice Meeting of Creditors Continued on 8/13/2004 at 11:01 AM at Courtroom 4E, U.S. Bankruptcy Court, One Church Street, Montgomery, AL (DePaola, Susan) (Entered: 07/26/2004)
08/13/2004	• <u>10</u>	Notice of Appearance and Request for Notice Filed by Richard C Dean Jr on behalf of Priority Healthcare Corporation. (Dean, Richard) (Entered: 08/13/2004)
08/18/2004	• <u>11</u>	Notice Meeting of Creditors Continued on 9/10/2004 at 02:31 PM at Courtroom 4E, U.S. Bankruptcy Court, One Church Street, Montgomery, AL (DePaola, Susan) (Entered: 08/18/2004)
08/26/2004	• <u>12</u>	Trustee's Motion For Sanctions <i>pursuant to Fed. R. Bankr. P. 9011</i> Filed by Susan S. DePaola on behalf of Susan S. DePaola. (DePaola, Susan) (Entered: 08/26/2004)
09/06/2004	• <u>13</u>	Trustee's Amended Motion to <i>Impose Sanctions and Motion to Examine Debtor's Transactions with Attorney</i> Filed by Susan S. DePaola on

behalf of Susan S. DePaola (RE: related document(s)12 Motion for Sanctions filed by Trustee Susan S. DePaola). (DePaola, Susan) (Entered: 09/06/2004)

09/13/2004	● <u>14</u>	Notice Meeting of Creditors Continued on 10/1/2004 at 1:31 PM at Courtroom 4E, U.S. Bankruptcy Court, One Church Street, Montgomery, AL (DePaola, Susan) (Entered: 09/13/2004)
09/24/2004	● <u>15</u>	NOTED SUBMISSION ERROR - (RESCHEDULE TO ANOTHER DATE) Notice of Hearing Set (RE: related document(s) <u>13</u> Amended Motion,, <u>12</u> Motion for Sanctions). Hearing scheduled for 10/19/2004 at 10:00 AM at Courtroom 4D, U.S. Bankruptcy Court, One Church Street, Montgomery, AL. (JPC,) Modified text on 9/27/2004 (CO,). (Entered: 09/24/2004)
09/26/2004	● <u>16</u>	BNC Certificate of Service - Hearing - (RE: related document(s) <u>15</u> Hearing (Bk)). No. of Notices: 2. Service Date 09/26/2004. (Admin.) (Entered: 09/27/2004)
09/27/2004	● <u>17</u>	Administrative Error (Non-Image Entry) (RE: related document(s) <u>15</u> Hearing (Bk), Hearing (Bk)). (CO,) (Entered: 09/27/2004)
09/27/2004	● <u>18</u>	Notice of Hearing Set (RE: related document(s) <u>13</u> Amended Motion,, <u>12</u> Motion for Sanctions). Hearing scheduled for 10/26/2004 at 10:00 AM at Courtroom 4D, U.S. Bankruptcy Court, One Church Street, Montgomery, AL. (JPC,) (Entered: 09/27/2004)
09/27/2004	● <u>19</u>	Notice of Electronic Submission Error

		(Non-Image Entry) (RE: related document(s) <u>5</u> Order Requiring Debtor, It's Officers to File Federal Tax Returns). (CO,) (Entered: 09/27/2004)
09/27/2004	❷20	Administrative Error (Non-Image Entry) (RE: related document(s) <u>5</u> Order Requiring Debtor, It's Officers to File Federal Tax Returns). (CO,) (Entered: 09/27/2004)
09/29/2004	❷21	BNC Certificate of Service - Hearing - (RE: related document(s) <u>18</u> Hearing (Bk)). No. of Notices: 3. Service Date 09/29/2004. (Admin.) (Entered: 09/30/2004)
10/20/2004	❷22	Notice of Appearance and Request for Notice Filed by Leonard-PP N. Math on behalf of Golson Construction Co., Inc.. (Math, Leonard-PP) (Entered: 10/20/2004)
10/20/2004	❷23	Debtor's Motion to Continue/Reschedule Hearing On <i>October 26, 2004</i> Filed by Richard D. Lively on behalf of Rheumatology Specialists of Central Alabama, Inc.. (Lively, Richard) (Entered: 10/20/2004)
10/22/2004		Deadlines terminated (RE: Entry # <u>4</u> . (CO,) (Entered: 10/22/2004)
10/22/2004	❷24	NOTED SUBMISSION ERROR - INCORRECT DOCKET EVENT USED AND DOCUMENT IS SCANNED IN SIDEWAYS) Notice of <i>Appearance</i> Filed by James G. Curenton Jr. on behalf of Florida Infusion, Inc.. (Curenton, James) Modified text on 10/25/2004 (DW,). (Entered: 10/22/2004)

EXHIBIT
II

727OBJ

**U.S. Bankruptcy Court
Middle District of Alabama (Montgomery)
Bankruptcy Petition #: 04-32325
Internal Use Only**

Assigned to: William R. Sawyer
Chapter 7
Voluntary
No asset

Date Filed:
08/19/2004

Donna M. Paul
102 Meadow Wood Court
Wetumpka, AL 36093
SSN: 420-88-5056
Debtor

represented by **Richard D. Lively**
Law Office of Richard D. Lively
364 East Main Street
Prattville, AL 36067
334-491-4911
Email: richarddlively@aol.com

William Donald Paul
102 Meadow Wood Court
Wetumpka, AL 36093
SSN: 255-86-1214
Joint Debtor

represented by **Richard D. Lively**
(See above for address)

Teresa R. Jacobs
U. S. Bankruptcy
Administrator
One Church Street
Montgomery, AL 36104
U.S.A.
334 954-3900
Bankruptcy Admin.

Robert DeLoach Reynolds
P. O. Box 1389
Montgomery, AL 36102
334-832-9553

TERMINATED: 08/26/2004

Trustee

Daniel Gary Hamm
 235 South McDonough St.
 Montgomery, AL 36104
 334-269-0269

Trustee

Filing Date	#	Docket Text
08/19/2004	<u>1</u>	Chapter 7 Voluntary Petition. Fee Amount \$209. Filed by Richard D. Lively on behalf of Donna M. Paul, William Donald Paul. (Lively, Richard) (Entered: 08/19/2004)
08/19/2004	2	Receipt of Voluntary Petition (Chapter 7)(04-32325) [misc,volp7a] (209.00) filing fee. Receipt number 1127B1049932, amount \$ 209.00. (U.S. Treasury) (Entered: 08/19/2004)
08/19/2004	<u>3</u>	Declaration re: Electronic Filing Filed by Richard D. Lively on behalf of Donna M. Paul, William Donald Paul. (Lively, Richard) (Entered: 08/19/2004)
08/20/2004	<u>4</u>	First Meeting of Creditors, Trustee and Deadlines Assigned. Section 341(a) Meeting of Creditors to be held 09/17/2004 at 10:00 AM in Courtroom 4E, U.S. Bankruptcy Court, One Church Street, Montgomery, AL. The Trustee appointed to this case is Robert DeLoach Reynolds. Last day to oppose discharge or dischargeability is 11/16/2004. (Entered: 08/20/2004)
08/20/2004		New Case Received and Reviewed for Accuracy. (JI,) (Entered: 08/20/2004)

08/22/2004	•5	BNC Certificate of Service - Meeting of Creditors - (RE: related document(s) <u>4</u> Auto Assign Meeting of Creditors-Ch 7 Indiv. No Asset,). No. of Notices: 20. Service Date 08/22/2004. (Admin.) (Entered: 08/23/2004)
08/25/2004	•6	Trustee Rejects Appointment: I was selected Trustee in this case pursuant to the Order dated <i>August 20, 2004</i> . I reject this appointment for the following reasons: <i>Conflict of Interest</i> . Filed by Trustee Robert DeLoach Reynolds. (Reynolds, Robert) (Entered: 08/25/2004)
08/26/2004	•7	Trustee Robert DeLoach Reynolds removed from the case. Trustee Daniel Gary Hamm added to the case. (Non-Image Entry) (RE: related document(s)[6] Trustee Rejects Appointment,). (JC,) (Entered: 08/26/2004)
08/26/2004	•8	Appointing Successor Trustee. Trustee Daniel Gary Hamm added to the case, (RE: related document(s)[6] Trustee Rejects Appointment,). (JC,) (Entered: 08/26/2004)
08/26/2004	•9	Amended 341 Meeting Notice - Appointing Successor Trustee Daniel Gary Hamm (RE: related document(s)[6] Trustee Rejects Appointment,). (JC,) (Entered: 08/26/2004)
08/28/2004	•10	BNC Certificate of Service - Meeting of Creditors - (RE: related document(s) <u>9</u> Amended 341 Meeting Notice). No. of Notices: 20. Service Date 08/28/2004. (Admin.) (Entered: 08/29/2004)
09/14/2004	•11	Notice of Appearance and Request for Notice Filed by Erich M. Ramsey on behalf of Compass Bank (Real Estate/Other) Department. (Ramsey, Erich) (Entered: 09/14/2004)

09/20/2004	● <u>12</u>	Amended 341 Meeting Notice (RE: related document(s) <u>4</u> Auto Assign Meeting of Creditors-Ch 7 Indiv. No Asset,). Section 341(a) Meeting of Creditors to be held on 9/24/2004 at 01:30PM at Courtroom 4E, U.S. Bankruptcy Court, One Church Street, Montgomery, AL. (JC,) (Entered: 09/20/2004)
09/22/2004	● <u>13</u>	BNC Certificate of Service - Meeting of Creditors - (RE: related document(s) <u>12</u> Amended 341 Meeting Notice,). No. of Notices: 23. Service Date 09/22/2004. (Admin.) (Entered: 09/23/2004)
09/23/2004	● <u>14</u>	Notice of Appearance and Request for Notice Filed by Richard C Dean Jr on behalf of Priority Healthcare Corporation. (Dean, Richard) (Entered: 09/23/2004)
10/04/2004	● <u>15</u>	Notice of Appearance and Request for Notice (B). (Lee, Thomas-KL) (Entered: 10/04/2004)
10/04/2004	● <u>16</u>	Notice of Appearance and Request for Notice (B). (Lee, Thomas-KL) (Entered: 10/04/2004)
10/18/2004	● <u>17</u>	Notice Meeting of Creditors Continued on 10/15/2004 at 1:31 PM at Courtroom 4E, U.S. Bankruptcy Court, One Church Street, Montgomery, AL (Hamm, Daniel) (Entered: 10/18/2004)
10/22/2004	● <u>18</u>	Reaffirmation Agreement and Attorneys Declaration Between Debtor and AmSouth Bank <i>AmSouth Bank</i> Filed by AmSouth Bank. (Hess, Angela) (Entered: 10/22/2004)
10/25/2004	● <u>19</u>	424 (Obj/Revocation Discharge 727): Complaint against William Donald Paul, Donna M. Paul.

Rule 9003 Prohibition of
Ex ParteReceipt Number FeeDefer, Fee Amount \$150. curent

Filed by Susan S. DePaola, Trustee.

(Attachments: # 1 Complaint# 2 Exhibit to
Complaint# 3 Summons) (DePaola, Susan)Modified receipt on 10/26/2004 (DH,). (Entered:
10/25/2004)

10/26/2004

②20

Notice of Appearance and Request for Notice

Filed by Brandi J. Whaley on behalf of
McKesson Specialty. (Whaley, Brandi) (Entered:
10/26/2004)

10/27/2004

Flags Set-Reset (set 727OBJ flag - Adversary
case #04-3123 - Complaint to Obj/Revocation
Discharge). (YP,) (Entered: 10/27/2004)

In case
Bankruptcy Petition # 04-32325
 Debtor & joint Debtor
 Donna M. Paul William Paul
 attorney Richard Lively

10/25/2004	●25	Notice of Submission Error requiring refiling. (INCORRECT DOCKET EVENT USED AND ALSO DOCUMENT IS SCANNED IN SIDEWAYS - PLEASE USE NOTICE OF APPEARANCE AND REQUEST FOR NOTICE AND RESCAN DOCUMENT CORRECTLY) Please refile using the correct ECF docket event or corrected document within 7 days or your pleading may be dismissed. (RE: related document(s) <u>24</u> Notice). Incomplete Filings due by 11/1/2004. (DW,) (Entered: 10/25/2004)
10/26/2004	●26	Notice of Appearance and Request for Notice Filed by Brandi J. Whaley on behalf of McKesson Specialty. (Whaley, Brandi) (Entered: 10/26/2004)
10/27/2004		Matter Under Advisement Re: (RE: related document(s) <u>13</u> Amended Motion,, <u>12</u> Motion for Sanctions). Matter Under Advisement Due by 10/27/2004. (Sawyer, William) (Entered: 10/27/2004)
10/27/2004	●27	Order Denying Motion To Continue/Reschedule Hearing On (Related Doc # <u>23</u>) Entered On 10/27/2004. (Sawyer, William) (Entered: 10/27/2004)
10/27/2004	●28	NOTED SUBMISSION ERROR - DOCUMENT IS SCANNED IN SIDEWAYS - FILER NOTIFIED TO FEFILER DOCUMENT. Notice of Appearance and Request for Notice Filed by James G. Curenton Jr. on behalf of Florida Infusion, Inc.. (Curenton, James) Modified text on 10/28/2004 (CO,). (Entered: 10/27/2004)
10/28/2004	●29	Proceeding Memo (Motion Denied. SO ORDERED). (RE: related document(s) <u>23</u> Motion)

		to Continue/Reschedule Hearing,. (CO,) (Entered: 10/28/2004)
10/28/2004		Deadlines terminated (Language Deficiency Re: Entry #[25]). (CO,) (Entered: 10/28/2004)
10/28/2004	❸30	Notice of Submission Error requiring resubmission.(DOCUMENT IS SCANNED IN SIDEWAYS - PLEASE RESCAN CORRECTLY AND RESUBMIT DOCUMENT). Please resubmit using the correct ECF docket event or corrected document within 7 days or your pleading may be dismissed. (RE: related document(s) <u>28</u> Notice of Appearance,). Incomplete Filings due by 11/4/2004. (CO,) (Entered: 10/28/2004)
10/28/2004	❸31	Notice of Electronic Submission Error (Non-Image Entry) (RE: related document(s) <u>28</u> Notice of Appearance,). (CO,) (Entered: 10/28/2004)
10/29/2004	❸32	Notice of Appearance and Request for Notice Filed by James G. Curenton Jr. on behalf of Florida Infusion, Inc.. (Curenton, James) (Entered: 10/29/2004)
10/31/2004	❸33	NOTED SUBMISSION ERROR - PDF WAS NOT SIGNED BY TRUSTEE - FILER NOTIFIED. Trustee's Motion for 2004 Examination of Donna Paul Filed by Susan S. DePaola on behalf of Susan S. DePaola. (DePaola, Susan) Modified text on 11/1/2004 (CO,). (Entered: 10/31/2004)
10/31/2004	❸34	Trustee's Motion for 2004 Examination of <i>William Paul</i> Filed by Susan S. DePaola on behalf of Susan S. DePaola. (DePaola, Susan) (Entered: 10/31/2004)

11/01/2004	<u>35</u>	Notice of Submission Error (Non-Image Entry) Filed by Susan-HP DePaola on behalf of Susan S. DePaola (RE: related document(s) <u>33</u> Motion for Examination filed by Trustee Susan S. DePaola). (DePaola, Susan-HP) (Entered: 11/01/2004)
11/01/2004	<u>36</u>	Motion for 2004 Examination of <i>Donna Paul</i> Filed by Susan-HP DePaola on behalf of Susan S. DePaola. (DePaola, Susan-HP) (Entered: 11/01/2004)